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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 BRYAN ALLEN DONEY,

11 Petitioner,

12 v.

13 MAGGIE MILLER-STOUT,

14 Respondent.
15

Case No. C06-5357FDB

ORDER DIRECTING
SERVICE AND RETURN,
§ 2254 PETITION

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17 The petitioner in this action is seeking federal habeas corpus relief pursuant to 28 U.S.C. §
18 2254. This case has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C.
19 §§ 636 (b) (1) (A) and 636 (b) (1) (B) and Local Magistrates' Rules MJR 3 and MJR 4. Petitioner
20 has amended the caption of the petition to name Maggie Miller-Stout as the respondent.

21 Review of the petition shows petition raising the issues in his attached Washington Court of
22 Appeals brief. Respondent should address which, if any, of those issues were exhausted as federal
23 constitutional claims. (Dkt. # 5 exhibit 1).

24 (1). The clerk shall arrange for service by certified mail upon respondent, a copy of the
25 petition, of all documents in support thereof, and of this Order. All costs of service shall be
26 advanced by the United States. The Clerk shall assemble the necessary documents to effect service.
27 The Clerk shall send petitioner's counsel a copy of this Order, the General Order. The clerk will

28 ORDER FOR SERVICE AND RETURN, 2254 PETITION - 1

1 also send a courtesy copy of the petition to the Washington State Attorney General's Office Criminal
2 Justice Division.

3 (2) Within forty-five (45) days after such service, respondent shall file and serve an
4 answer in accordance with Rule 5 of the Rules Governing § 2254 Cases in United States District
5 Courts. As part of such answer, respondents should state whether petitioner has exhausted available
6 state remedies, whether an evidentiary hearing is necessary, and whether there is any issue of abuse
7 of delay under Rule 9. Respondent shall not file a dispositive motion in place of an answer without
8 first showing cause as to why an answer is inadequate. Respondent shall file the answer with the
9 Clerk of Court and serve a copy of the answer upon petitioner.

10 (3) The answer will be treated in accordance with Local Rule CR 7. Accordingly, upon
11 receipt of the Answer the Clerk will note the matter for consideration on the fourth Friday after the
12 answer is filed, petitioner, through counsel, may file and serve a response not later than on the
13 Monday immediately preceding the Friday appointed for consideration of the matter, and respondent
14 may file and serve a reply brief not later than on the Thursday immediately preceding the Friday
15 designated for consideration of the matter.

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18 DATED this 6th day of September, 2006.

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20 /s/ J. Kelley Arnold
21 J. Kelley Arnold
22 United States Magistrate Judge
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